



## UNITED STATES PATENT AND TRADEMARK OFFICE

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	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/053,505		01/16/2002	William J. Roberts	1400-004	8577	
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		LAW GROUP		EXAMINER		
	1850 NORTH SUITE 1140 PHOENIX, AZ	CENTRAL AVENUE		QAZI, SABIHA NAIM		
		2 85004		ART UNIT	PAPER NUMBER	
				1616		
				DATE MAILED: 06/04/2003	17	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary    10/053,505			Applicatio	n No.	Applicant(s)						
Sabiha Naim Qazi  The MAILING DATE of this communication app ars on the cover sh et with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provision of 37 CFR 1.736(a). In no event, however, may a reply bet limity filled  If the period for reply specified above is less than thirty (30) days, a reply within the statutory prediction for reply is pecified above. Its meaning that (30) days, a reply within the statutory prediction for reply is pecified above. Its meaning that (30) days, a reply within the statutory prediction for reply in specified above. Its meaning that (30) days, a reply within the statutory prediction for reply in specified above. Its meaning that (30) days, a reply within the statutory prediction for reply in specified above. Its meaning that the mailing large and within the prediction, early within the statutory prediction.  If No proted for reply is pecified above is less than thirty (30) days, a reply within the statutory prediction.  Falsiles to reply within the set or stateded principle for reply within the statutory prediction.  Falsiles to reply within the set or stateded principle for reply within the statutory minimized and the state of the communication, early fill fill for the state of the st			10/053,509	5	ROBERTS, WILLIAM J.						
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THE MAILING DATE OF THIS COMMUNICATION.  Edonosinos of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the making date of this communication.  If the period for reply specified above, the maximum statisticy period will apply and will expire SIX (6) MONTHS from the making date of this communication.  If the period for reply is specified above, the maximum statisticy period will apply and will expire SIX (6) MONTHS from the making date of this communication for reply is specified above, the maximum statisticy period will apply and will expire SIX (6) MONTHS from the making date of this communication, even of timely filed, may reduce any samed patent form adjustment. See 37 CFR 1.704(b).  Status  1)		, -									
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1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 21/2, 11 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152) 6) Other:	2) Notice	e of Draftsperson's Patent Drawing Review (PTO-948)	:	5) Notice of Informal P							



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Acknowledgement is made of the response filed in paper no. 10 dated 3/18/03. Amendments are entered. Claims 1-10 and 59-74 are pending. No claim is allowed. Arguments are found persuasive therefore rejections are withdrawn.

## Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 59-73 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

New claims are drawn to specific alkyl chain carbonate ester which was not disclosed in the specification.. Applicant must limit the invention according to the support in the disclosure.

## Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.



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Claim 1 as written is confusing. It is unclear what is intended by this claim. It appears that Applicant's are claiming androstene-4-ene-3 alpha, 17 beta-diol, 17 beta alkylcarbonates. The language should be clear.

Furthermore, it is also not clear what "comprises" means in a compound claim. When complete compound is defined than what is the meaning of "comprising" in these claims. What else can be added to the structures of these compounds? A clarification is required. Note, that the claims are not drawn to the compositions. The claimed compounds can be represented by a generic formula.

The term including in claim 7 is open ended. This term should be deleted.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by A-100 (4-androstene-diolethyl carbonate ester) by MTE Nutrition. This dietary supplement is available through internet. (A copy of the document is enclosed).

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Chem Net, Taizhou Xingye Chemical Co. Ltd., the product sold is 4-androstenediol Methyl Carbonate and 4-androstenediol Ethyl Carbonate (copy enclosed). These compounds are claimed by Applicant.

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Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Twin

Lab Products, the product sold is "Andro Nitrate Fuel", 4-androstenediol Diethyl

Carbonate ester (copy enclosed). These compounds are claimed by Applicant.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by A-100 (4-androstene-diol ethyl carbonate ester) by Biotest Mag 10. This compound is claimed in present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabiha Naim Qazi whose telephone number is 703-305-3910. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees can be reached on 703-308-4628. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556 for regular communications and 703-308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

June 2, 2003

SABIHA QAZI, PH.D PRIMARY EXAMINER